GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal petition filed by Sri M. Narahari Babu, S/o M.C.Obtaiah, Occ: Dy. G.M.(Legal), FCI, Kolkata, R/o Kolkata, West Bengal against the Proceedings No.Roc.C3/10077/ 2005, dt.04.11.2008 of the District Collector, Chittoor - under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/ 1993) – Appeal Petition dismissed – Orders -Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.MS.No. 64 **Dated: 24-07-2017**

Read the following:

1. Proceedings of the Dist. Collector, Chittoor, No.Roc.C3/10077/ 2005, dt.04.11.2008.
2. Appeal petition filed by Sri M. Narahari Babu, S/o M.C.Obtaiah, Occ: Dy. G.M.(Legal), FCI, Kolkata, R/o Kolkata, West Bengal before M(TW &RIAD), dt.29.11.2008.
3. Govt.Memo.No.11265/CV2/2008,SW(CV2) Dept, dt.5.12.2008.
4. From the Dist. Collector, Chittoor, Lr.No.Roc.C3/18524/2008, dt.10.03.2010 & 30.04.2010.
5. Govt. Memo.No.11265/CV2/2008, SW(CV2)Dept, dt. 28.04.2012 , 19.02.2014, 07.08.2015 & 18.03.2016.
6. Govt. Memo No.11265/CV.2/2008, dated 29.05.2017.

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ORDER:

In the reference 1st read above, the District Collector, Chittoor has issued orders canceling the ST – Valmiki Caste Certificate obtained from the then Tahsildar, Tirupathi Town in 1989 by Sri M. Narahari Babu, S/o M.C.Obtaiah.

2. In the reference 2nd read above, Sri M. Narahari Babu, S/o M.C.Obtaiah has filed an Appeal Petition before the Government, against the said Proceedings of the District Collector, Chittoor. After examining the said Appeal Petition, Government have admitted the Appeal Petition and issued stay orders on the proceedings of the District Collector and called for the parawise remarks and connected records from the District Collector, Chittoor the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Chittoor has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri M. Narahari Babu, S/o M.C.Obtaiah.

4. The said Appeal Petition has been posted for hearing on 10.05.2012, 24.02.2014, 22.08.2015, 09.04.2016 and finally on 24.06.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th & 6th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Chittoor and proceedings of the District Collector, Chittoor, dated 04.11.2008, the Appellate Authority has observed that:

I. The Appellant in his grounds has stated that his ancestors hails from East Godavari District and their main occupation was agriculture and also working as labour in the Forest, but for the purpose of livelihood forefathers of the appellant was migrated from the Godavari District to various places as they are nomadic tribes. Eventually the parents of the appellant have settled at Tirupathi in Chittoor District and as the forefathers of the appellant migrated several decades back and accordingly it is practically impossible to produce any evidence of migration when the same was taken place when the appellant was not even born.

(P.T.O)

II. The appellant has also stated that in the Service Registrar of the father of the appellant shown as “Boya” and the same was entered in the year 1944, it is an admitted fact that pre-independence time even the Presidential Order was also not in existence and infact there is no difference between the terms of “Boya” as well as “Valmiki” and infact both are one and the same.

III. The District Level Scrutiny Committee has observed that the caste of the father of the appellant is recorded as “Boya” in the Service Registrar and also the appellant has not produced any to that of they hail from Agency area in Andhra Pradesh and the Valmiki caste will come under schedule Tribes only in the Agency Areas of Andhra Pradesh as per presidential order 1956 and the same will be considered under Backward Classes in other places of Andhra Pradesh. There are no specific instructions that the “Valmiki” persons who migrated before the independence to Andhra region shall be considered under Schedule Tribe community as contended by the Appellant. As per the rules made of the Government of Andhra Pradesh the competent authority for issuance of Scheduled Tribe Valmiki Certificates, in the non-Scheduled Areas by the not below the rank of Revenue Divisional Officer/ Sub- Collector/ Asst. Collector but in the instant case, the said caste certificate issued by Tahalsidhar and the appellant has failed to fulfill the conditions for grant of Scheduled Tribe Certificate and the claim of the appellant is not maintainable.

IV. Under section 6(3) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

V. The Appellate Authority is observed that admittedly the appellant belongs to Boya but not Valmiki and nowhere in the entire record produced by him is shown as ‘Valmiki’ community and ‘Boya’ community belongs to BC Community as per the notification issued by the Government and the DLSC found that there is no material to the effect that the appellant and his ancestors have hailed from the Agency areas of Districts of Godavari. . In this context it is important to note that the valmikis are not made Schedule Tribes under the Constitution Order 1950 and Amendment Orders, the Valmikis in agency tracts were made Scheduled Tribe which came into force from 25th September 1956, therefore the appellant whose ancestors are said to have shifted to Chittoor can’t claim themselves as Valmiki’s . Further, the appellant is failed to give information about his family members or ancestors and he has not followed the traditions and customs of the said community .In the instant case the appellant was given ample opportunity to prove his community claim by filing relevant documents but the appellant didn’t file any documents other than caste certificates issued by MRO , Chitoor, TC from the School, but the said documents are not sufficient to prove the genuiness of the caste of the appellant which are given without making proper enquiry and the School Certificates can’t be given any weightage as they are generated based on the declaration of the appellant. Further in the service register of the father of the appellant his caste is recorded as Boya-Valmiki but as per the notification there is a Scheduled Tribe community called Valmiki but not Valmiki-Boya . The appellant, could not place any additional material despite having been given several opportunities by the Appellate Authority and the Government in principle is very liberal in receiving the documents in any stage of the appeal in order to ensure that the principles of natural justice are strictly followed and the party having Genuine claim should never be deprived of the same under the guise of technicalities or some procedures. But, the

(Contd..P.3.)

appellant has not produced any evidence or relevant documents/material in support of his ST-Valmiki community claim or his ancestors hailed from Godavari Districts and migrated to Chittoor (80) years ago. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity found either in the order of the learned DLSC or the District Collector, Chittoor.

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the Appeal Petition filed by Sri M. Narahari Babu, S/o M.C.Obtaiah, does not deserve any interference and hence, the Proceedings of the District Collector, Chittoor issued vide Roc.C3/10077/2005, dt.04.11.2008, is hereby upheld and the Appeal Petition filed by Sri M. Narahari Babu, S/o M.C.Obtaiah is hereby dismissed.

7. The District Collector, Chittoor is directed to take necessary consequential action in the matter.

8. The records (containing Roc.C3/10077/2005, dt.04.11.2008, pages: NF 1 to 34 and CF-1 to 406) received from the District Collector, Chittoor through the reference 4th read above, are returned herewith in original to the District Collector, Chittoor and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P. SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Chitoor
(with original records) (BY RPAD)

Sri M. Narahari Babu S/o M.C.Obaiah,
Occ: Dy. General Manager (Legal),
FCI, Kolkata R/o CJ 254/5, Sector II, Salt Lake,
Kolkata-91, West Bengal State.

Sri K.Muralidhar Reddy, Advocate,
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The General Manager (AP), FCI,
Regional Office (AP), HACA Bhavan,
3rd Floor, Public Garden Road, Hyderabad.

Copy to:

The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE& TWE).
The P.S. to Prl. Secretary (T.W).

// FORWARDED:: BY ORDER //

SECTION OFFICER